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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,057	07/07/2000	Stephen R. Hanna	P4715	6807
207	7590	02/26/2004	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP			LIPMAN, JACOB	
TEN POST OFFICE SQUARE			ART UNIT	PAPER NUMBER
BOSTON, MA 02109			2134	

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/612,057	HANNA ET AL.	
	Examiner	Art Unit	
	Jacob Lipman	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2000.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 July 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-6, 10-13, 15, 17-21, 25, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the first building step" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 4 recites the limitation "the second building step" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 10 recites the limitation "the devices" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 12 recites the limitation "the credentials built" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 12 recites the limitation "the built credentials" in line 7 and lines 8-9. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 15 recites the limitation "the credentials built" in line 2. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 15 recites the limitation "the built credentials" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 18 recites the limitation "the different credentials" in line 2. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 18 recites the limitation "evaluating the credentials corresponding to at least one of the credentials" in lines 9-10. This limitation is confusing and unclear.

12. Claim 31 recites the limitation "the first building step" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 31 recites the limitation "the second providing step" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim.

14. Regarding claims 1, 4, 5, 11, 17, 21, and 25, the phrase "attempting to build" renders the claims indefinite because it seems to differ from the preambles, which describes a method of building, not a method of attempting.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1-35, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gatto, US Patent number 5,546,523.

With regard to claims 1, 6, 11, 13, 14, 16, 27, and 29, Gatto discloses a method of building credentials (identifiers) for a user of a device (column 3 lines 49-51) connected to a network (column 3 lines 32-34) including providing a plurality of credential descriptors (column 5 lines 64-column 6 line 2) to a first credential builder

(column 3 lines 53-56), building a credential corresponding to one of the descriptors (column 6 lines 8-10), providing a descriptors, not yet built, to a second builder (e.g. if a fingerprint was built, providing a second ID), and building a second credential (column 6 line 2).

With regard to claims 2, 3, 12, 15, 28, 30, and 32, Gatto discloses evaluating the credentials (column 9 line 62-column 10 line 2).

With regard to claims 4, 17-26 and 33-35, Gatto discloses any combination is anticipated, including asking for a second fingerprint, asking for a third type of ID, or allowing only a specific order of ID input (adding or removing a builders and evaluators) (column 6 line 2).

With regard to claims 7-10 and 31, Gatto discloses that the builders are different devices (column 3 lines 53-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 703-305-0716. The examiner can normally be reached on 7:30 - 5 M-Th, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL



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